REMARKS

Claims 2-12, 14-33, 35-53, 56-59, and 64-113 are pending in this application. Claims 1, 13, 34, 54, 55, and 60-63 have been cancelled and claims 2-12, 14, 15, 19-25, 27-29, 33, 35-37, 39-53, 56-59, 64-113 amended by way of this amendment, which is believed not to introduce new matter.

Attached hereto as Appendix A is a marked-up version of the changes made to the specification and claims by the present amendment. Appendix A is entitled "Version With Markings to Show Changes Made."

In paragraph 1 of the Office Action, the Examiner objected to the drawings as not showing the "one disk-shaped member" recited in claims 7, 27, 47, 76 and 99 and requested that the feature be shown or cancelled from the claims. Applicants submit that an example of such a feature is shown in Figure 13A and designated with reference numeral 130 and in Figure 15. Accordingly, withdrawal of the objection is requested.

Regarding paragraph 2 of the Office Action, the undersigned notes the objection to Applicants' use of the term "nitinol." The Examiner advanced that this term is a trademark and should be capitalized and accompanied with the generic description. However, the undersigned is not aware of this term being a trademark. For example, this term alone does not appear to be registered on the principal registrar. If the undersigned's understanding is incorrect, any clarification that the Examiner may have is welcomed. Otherwise, Applicants request withdrawal of the objection set forth in paragraph 2 of the Office Action.

In paragraph 3 of the Office Action, the Examiner objected to the incorporation by reference of Applicant's co-owned application at page 18, lines 15-19 for not including further identification. The undersigned has amended this paragraph of the specification to correct minor typographical and grammatical errors and to include the serial number of the application originally identified as being the co-owned U.S. Patent Application for a BRIDGE CLIP TISSUE CONNECTOR APPARATUS AND METHODS, filed April 4, 2001. The filing date also has been amended to read April 5, 2001 to correct a typographical error. Applicant respectfully requests withdrawal of this objection.

In paragraphs 4-5, claims 1-113 were provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-113 of copending Application No. 09/847,716. Since allowable subject matter has not been indicated, Applicants submit that further discussion of this "provisional" rejection is not necessary at the present time.

In paragraph 6, the Examiner noted that should claim 78 be allowable, claim 101 would be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Claim 101 has been amended to correct a typographical error in claim dependency.

Referring to paragraphs 7-8, claims 1-21 and 33-113 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for the reasons set forth in paragraph 8 of the Office Action. The objection to claims 106, 107, and 108 is not understood. Claim 90 describes a restraint mechanism and claims 106, 107, and 108 further describe the restraint mechanism. Regarding the other objections, the claims as amended are believed to satisfy the requirements of §112, second paragraph. More specifically, the claims have been amended to correct typographical and grammatical errors.

In paragraph 10, claims 1-6, 8, 9 and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by Shennib, et al.(US 6,165,185). Claims 1 and 13 have been cancelled and claim 11, which was not rejected, has been rewritten in independent format and amended to correct minor typographical errors including changing clip to fastener. The claims which depended from claim1 have been amended to depend from claim 11. Accordingly, claims 2-12 and 14-21 are allowable.

In paragraph 11, claims 1-3, 5, 6, 13, 14, 17-20, 22, 23, 25, 26, 33, 34, and 37-40 were rejected under 35 U.S.C. §102(b) as being anticipated by Komiya (US 3,958,576). As before, claim 11 was not rejected. Accordingly, claims 2-12 and 14-21 are allowable. Further, paragraph 2 of claim 22 has been amended to read "a restraint mechanism to releasably restrain said plurality of proximal members of said fastener in an open configuration away from said fastened configuration without restraining said one or more distal members." This is not disclosed or suggested in Komiya. Accordingly, Applicants request withdrawal of this rejection.

In paragraph 13, claims 4 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Komiya in view of Shennib et al. In light of the preceding comments, further discussion of this rejection is unnecessary.

Applicants submit that the dependent claims are allowable for containing allowable subject matter as well as being dependent from allowable claims.

If the Examiner maintains any of the foregoing rejections, Applicants request that the Examiner clearly point to specific examples in the cited references that support any rejection so maintained. If a telephone interview would advance prosecution of the application, the Examiner is invited to telephone the undersigned at the number provided below.

CONCLUSION

The undersigned believes that all claims now pending in this application are in condition for allowance and respectfully requests the issuance of a formal Notice of Allowance at an early date.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due, including additional claims fees, in connection with the filing of this document to Deposit Account No. 50-1947 referencing Attorney Docket No. **CSI-2016CP1**.

Respectfully submitted,

Date: March 12, 2003

By: _____
Harry J. Macey
Reg. No. 32,818
Attorney for Applicant

LAW OFFICE OF HARRY J. MACEY
1301 Shoreway Road, Suite 121
Belmont, California 94002-4106
Telephone: 650.654.9555
Facsimile: 650.654.9554

APPENDIX A
VERSION WITH MARKINGS TO SHOW CHANGES MADE

I. Amendments to the specification (paragraph beginning on line 29 of page 17 and ending on page 18 line 19):

The surgical technique of anastomosis includes cutting artery wall to produce an opening 705, and connecting edge 707 along or near the opening 705. The placement of tissue for attachment is illustrated in the sequence of Figures 7A – 7B and 8A – 8C, where the assembly 800 is used to place fasteners aligned perpendicular to the line of attachment and thus radial with respect to graft vessel 701, is shown in the attached vessels of Fig. 8C. Fig. 7A shows a tissue connector assembly such as assemblies 100, 800, or 900 threaded through graft 701 and artery 703, where needle 109 has been threaded through a first piercing 709 from the outside to the inside of graft 701, through opening 705, and through a second piercing 711 from the inside to the outside of artery 703. Fig. 7B shows the graft 701 placed onto artery 703. Alternatively, multiple tissue connector assemblies 101 can be placed about edge ~~705~~707 and opening ~~707~~705 in a procedure such as "parachuting" to provide more positive placement of the fasteners. In parachuting, the threading order is as in Fig. 7, with assembly 100, for example, threaded through graft 701 and seating fastener 101 ~~seated~~ against the graft, and then threaded through artery 703, permitting ~~a~~ the graft and fastener to together approach the artery piercing 711. As an additional alternative, combinations of radially and circumferentially placed fasteners (as described ~~subsequently~~ below) may be used, or other types of ~~clip~~fasteners or fasteners may be used or combined with sutures at different positions about the tissue attachment. For example, the tissue connectors described in the co-owned U. S. Patent Application for a BRIDGE ~~CLIP~~FASTENER TISSUE CONNECTOR APPARATUS AND METHODS, filed April ~~4~~ 5, 2001 and assigned Serial No. 09/828,322, included herein by reference, are particularly useful self-closing fasteners ~~useful~~ for securing the locally stressful attachment points at the heal or toe of the anastomosis.

II. Amendments to the claims:

1. (Cancelled) ~~An apparatus for fastening a tissue comprising a stopper, where said stopper includes one or more distal members, and a plurality of proximal member flexibly attached to said stopper, where said clip has a fastened configuration in which said plurality of proximal members oppose at least a portion of said stopper, and an open configuration where said clip is openly restrained from said fastened configuration to accept a tissue, such that tissue positioned within said open configuration is compressed when said fastener is unrestrained~~.

2. (Amended once) The apparatus of claim ~~1~~11, wherein said ~~plurality of proximal members is~~ fastener includes two proximal members.

3. (Amended once) The apparatus of claim ~~1~~11, wherein said open configuration includes openly restraining said plurality of proximal members.

4. (Amended once) The apparatus of claim ~~1~~11, wherein said ~~clip~~fastener is nitinol.

5. (Amended once) The apparatus of claim ~~1~~11, wherein said ~~clip~~fastener is of unitary construction.

6. (Amended once) The apparatus of claim ~~1~~11, wherein said plurality of proximal members are elongated members.

7. (Amended once) The apparatus of claim ~~1~~11, wherein said one or more distal members ~~is one~~ each comprise a disk-shaped member.

8. (Amended once) The apparatus of claim ~~1~~11, wherein said the number of proximal members is equal to the number of distal members.

9. (Amended once) The apparatus of claim 8, wherein said ~~clip~~fastener has a longitudinal orientation having a centerline, and wherein said proximal members and said distal members are approximately symmetric about said centerline.

10. (Amended once) The apparatus of claim ~~1~~11, wherein a portion of said stopper has a proximally oriented surface, wherein said stopper is a spring, and wherein said stopper is distally deformable for application of force to said tissue.

11. (Amended once) ~~The apparatus of claim 1~~Apparatus for fastening tissue comprising a stopper, where said stopper includes one or more distal members, and a plurality of proximal members flexibly attached to said stopper, where said fastener has a fastened configuration in which said plurality of proximal members oppose at least a portion of said stopper, and an open configuration where said fastener is openly restrained from said fastened configuration to accept tissue, such that tissue positioned within said open configuration is compressed when said fastener is unrestrained, wherein at least one of said plurality of proximal members of said fastened configuration has a distally oriented end, and wherein said distally oriented end of said fastened configuration opposes at least a portion of said stopper.

12. (Amended once) The apparatus of claim ~~1~~11, wherein at least a portion of said stopper has proximally oriented ends and wherein at least a portion of said plurality of proximal members of said fastened configuration oppose at least one of said proximally oriented ends.

13. (Cancelled) ~~The apparatus of claim 1, wherein at least one of said plurality of proximal members of said fastened configuration has a distally facing surface, wherein at least a portion of said stopper has a proximally facing surface, and wherein at least a portion of said distally facing surface of said fastened configuration opposes said distally facing surface.~~

14. (Amended once) The apparatus of claim ~~1~~11, further including a restraint mechanism for openly restraining and releasably retaining said ~~clip~~fastener in said open configuration.

15. (Amended once) The apparatus of claim 14, wherein said restraint mechanism is a suture.

16. The apparatus of claim 14, wherein said restraint mechanism is a restraint clip.

17. The apparatus of claim 14, wherein said restraint mechanism is a generally cylindrical tube having an opening for accepting at least a portion of said plurality of proximal members.

18. The apparatus of claim 17, wherein said restraint mechanism has an inner surface for restraining said plurality of proximal members.

19. (Amended once) The apparatus of claim 14, wherein said restraint mechanism releases said fastener when said ~~clip~~fastener is pulled from said restraint mechanism.

20. (Amended once) The apparatus of claim 14, wherein said restraint mechanism releases said fastener when said restraint mechanism is squeezed.

21. (Amended once) The apparatus of claim ~~1~~11, further including a piercing member having a tip and a hollow end for accepting at least a portion of said plurality of proximal members ~~and restrain said clip~~.

22. (Amended once) ~~An a~~Apparatus for fastening ~~a~~ tissue comprising:

a ~~clip~~fastener having a stopper, where said stopper includes one or more distal members, and a plurality of proximal members flexibly attached to said stopper, said ~~clip~~fastener having a fastened configuration where at least one of said plurality of proximal members opposes at least a portion of said stopper; and

a restraint mechanism to releasably restrain said plurality of proximal members of said ~~clip~~fastener in an open configuration away from said fastened configuration without restraining said one or more distal members,

such that a tissue is placeable within said releasably restrained ~~clip~~fastener, and where that upon releasing said ~~clip~~fastener from said restraint mechanism, said plurality of proximal members return towards said fastened configuration to compress said tissue.

23. (Amended once) The apparatus of claim 22, wherein said ~~plurality of proximal members is~~ fastener comprises two proximal members.

24. (Amended once) The apparatus of claim 22, wherein said ~~clip~~fastener is nitinol.

25. (Amended once) The apparatus of claim 22, wherein said ~~clip~~fastener is of unitary construction.

26. The apparatus of claim 22, wherein said plurality of proximal members are elongated members.

27. (Amended once) The apparatus of claim 22, wherein said one or more distal members ~~is one~~ each comprise a disk-shaped member.

28. (Amended once) The apparatus of claim 22 , wherein ~~said~~ the number of proximal members is equal to the number of distal members.

29. (Amended once) The apparatus of claim 28, wherein said ~~clip~~fastener has a longitudinal orientation having a centerline, and wherein said proximal members and said distal members are approximately symmetric about said centerline.

30. The apparatus of claim 22, wherein a portion of said stopper has a proximally oriented surface, wherein said stopper is a spring, and wherein said stopper is distally deformable for application of force to said tissue.

31. The apparatus of claim 22, wherein at least one of said plurality of proximal members of said fastened configuration has a distally oriented end, and wherein said distally oriented end of said fastened configuration opposes at least a portion of said stopper.

32. The apparatus of claim 22, wherein at least a portion of said stopper has proximally oriented ends and wherein at least a portion of said plurality of proximal members of said fastened configuration oppose at least one of said proximally oriented ends.

33. (Amended once) The apparatus of claim 22, wherein at least one of said plurality of proximal members of said fastened configuration has a distally facing surface, wherein at least a portion of said stopper has a proximally facing surface, and wherein at least a portion of said distally facing surface of said fastened configuration opposes said ~~distally~~ proximally facing surface.

34 (Cancelled) ~~The apparatus of claim 22, further including a restraint mechanism for openly restraining and releasably retaining said clip in said open configuration.~~

35. (Amended once) The apparatus of claim ~~34~~22, wherein said restraint mechanism ~~is~~ comprises a suture.

36. (Amended once) The apparatus of claim ~~34~~22, wherein said restraint mechanism is a restraint clip.

37. (Amended once) The apparatus of claim ~~34~~22, wherein said restraint mechanism is a generally cylindrical tube having an opening for accepting at least a portion of said plurality of proximal members.

38. The apparatus of claim 37, wherein said restraint mechanism has an inner surface for restraining said plurality of proximal members.

39. (Amended once) The apparatus of claim ~~34~~22, wherein said restraint mechanism releases said fastener when said ~~clip~~fastener is pulled from said restraint mechanism.

40. (Amended once) The apparatus of claim ~~34~~22, wherein said restraint mechanism releases said fastener when said restraint mechanism is squeezed.

41. (Amended once) The apparatus of claim 22, further including a piercing member having a tip and a hollow end for accepting at least a portion of said plurality of proximal members ~~and restrain said clip~~.

42. (Amended once) A ~~delivery system~~ tissue connector assembly for fastening ~~a~~ tissue or layers of tissues having an external distal surface and an external proximal surface, comprising:

a ~~clip~~fastener having a stopper, where said stopper includes one or more distal members, and a plurality of proximal members flexibly attached to said stopper, where at least one of said plurality of proximal members has a fastened configuration opposing at least a portion of said stopper; and

a piercing member for piercing ~~a~~ tissue and having a ~~first end, a second end, and an elongated member therebetween, where said first end includes a tip and where said second end includes a~~ holder mechanism ~~to~~ that is releasably holding said plurality of proximal members in an open configuration, and where said stopper of said releasably held ~~clip~~fastener proximal ends extends transversely away from said elongated member;

~~where upon pulling said releasably held clip through said tissue with said stopper adjacent to said distal surface the release of said clip from said needle returns towards said clip towards said fastened configuration and compresses said tissue~~.

43. (Amended once) The ~~delivery system~~assembly of claim 42, wherein said ~~plurality of proximal member is~~ fastener includes two proximal members.

44. (Amended once) The ~~delivery system~~assembly of claim 42, wherein said ~~clip~~fastener comprises ~~is~~ nitinol.

45. (Amended once) The ~~delivery system~~assembly of claim 42, wherein said ~~clip~~fastener is of unitary construction.

46. (Amended once) The ~~delivery system~~assembly of claim 42, wherein said plurality of proximal members are elongated members.

47. (Amended once) The ~~delivery system~~assembly of claim 42, wherein said one or more distal members ~~is one~~ each comprise a disk-shaped member.

48. (Amended once) The ~~delivery system~~assembly of claim 42, wherein ~~said~~ the number of proximal members is equal to the number of distal members.

49. (Amended once) The ~~delivery system~~assembly of claim 48, wherein said ~~clip~~fastener has a longitudinal orientation having a centerline, and wherein said proximal members and said distal members are approximately symmetric about said centerline.

50. (Amended once) The ~~delivery system~~assembly of claim 42, wherein a portion of said stopper has a proximally oriented surface, wherein said stopper is a spring, and wherein said stopper is distally deformable for application of force to said tissue.

51. (Amended once) The ~~delivery system~~assembly of claim 42, wherein at least one of said plurality of proximal members of said fastened configuration has a distally oriented end, and wherein said distally oriented end of said fastened configuration opposes at least a portion of said stopper.

52. (Amended once) The ~~delivery system~~assembly of claim 42, wherein at least a portion of said stopper has proximally oriented ends and wherein at least a portion of said

plurality of proximal members of said fastened configuration oppose at least one of said proximally oriented ends.

53. (Amended once) The ~~delivery system~~assembly of claim 42, wherein at least one of said plurality of proximal members of said fastened configuration has a distally facing surface, wherein at least a portion of said stopper has a proximally facing surface, and wherein at least a portion of said distally facing surface of said fastened configuration opposes said ~~distally~~ proximally facing surface.

54. (Cancelled) ~~The delivery system of claim 42, wherein said mechanism is suture.~~

55. (Cancelled) ~~The delivery system of claim 42, wherein said mechanism is a restraint clip.~~

56. (Amended once) The ~~delivery system~~assembly of claim 42, wherein said piercing member has a tubular portion that forms said mechanism ~~is a generally cylindrical tube having an opening for accepting at least a portion of said plurality of proximal members~~.

57. (Amended once) The ~~delivery system~~assembly of claim 56, wherein said mechanism has an inner surface for restraining said plurality of proximal members.

58. (Amended once) The ~~delivery system~~assembly of claim 57, wherein said mechanism releases said fastener when said ~~clip~~fastener is pulled from said mechanism.

59. (Amended once) The ~~delivery system~~assembly of claim 57, wherein said mechanism releases said fastener when said mechanism is squeezed.

60. (Cancelled) ~~The delivery system of claim 42, further including a piercing member having a tip and a hollow end for accepting at least a portion of said plurality of proximal members to restrain said clip.~~

61. (Cancelled) ~~The delivery system of claim 42, wherein said mechanism releases when said clip is pulled from said mechanism.~~

62. (Cancelled) ~~The delivery system of claim 42, wherein said mechanism releases when said mechanism is squeezed.~~

63.(Cancelled) ~~The delivery system of claim 42, wherein said mechanism is a generally cylindrical opening in said posterior end having a cavity for accepting at least a portion of said plurality of proximal members.~~

64. (Amended once) The ~~delivery system~~assembly of claim 42, wherein said piercing member is flexible.

65. (Amended once) The ~~delivery system~~assembly of claim 42, wherein said piercing member is nitinol

66. (Amended once) A ~~delivery system~~ tissue connector assembly for fastening a tissue or layer of tissues having an external distal surface and an external proximal surface, comprising:

a piercing member;

a flexible member having a first end attached to said piercing member, and a second end; and

a ~~clip~~fastener releasably attached to said second end, said ~~clip~~fastener having a stopper including one or more distal members, and a plurality of proximal members flexibly attached to said stopper, where at least one of said plurality of proximal members has a fastened configuration opposing at least a portion of said stopper, where said ~~clip~~fastener is releasably attached to said flexible member with said plurality of proximal members in an open configuration having said stopper extending transversely away from said piercing member;

~~where upon pulling said releasably held clip through said tissue and said stopper adjacent to said distal surface, the release of said clip from said second end returns towards said clip towards said fastened configuration and compresses said tissue.~~

67. (Amended once) The ~~delivery system~~assembly of claim 66, wherein ~~said plurality of proximal members is~~ fastener includes two proximal members.

68. (Amended once) The ~~delivery system~~assembly of claim 66, wherein said piercing member is flexible.

69. (Amended once) The ~~delivery system~~assembly of claim 66, wherein said piercing member is nitinol.

70. (Amended once) The ~~delivery system~~assembly of claim 66, wherein said flexible member is a suture.

71. (Amended once) The ~~delivery system~~assembly of claim 66, wherein said flexible member is nitinol.

72. (Amended once) The ~~apparatus~~assembly of claim 66, wherein said open configuration includes openly restraining said plurality of proximal members.

73. (Amended once) The ~~apparatus~~assembly of claim 66, wherein said ~~clip~~fastener is nitinol.

74. (Amended once) The ~~apparatus~~assembly of claim 66, wherein said ~~clip~~fastener is of unitary construction.

75. (Amended once) The ~~apparatus~~assembly of claim 66, wherein said plurality of proximal members are elongated members.

76. (Amended once) The ~~apparatus~~assembly of claim 66, wherein said one or more distal members ~~is one~~ each comprise a disk-shaped member.

77. (Amended once) The ~~apparatus~~assembly of claim 66, wherein ~~said~~ the number of proximal members is equal to the number of distal members.

78. (Amended once) The ~~apparatus~~assembly of claim 77, wherein said ~~clip~~fastener has a longitudinal orientation having a centerline, and wherein said proximal members and said distal members are approximately symmetric about said centerline.

79. (Amended once) The ~~apparatus~~assembly of claim 66, wherein a portion of said stopper has a proximally oriented surface, wherein said stopper is a spring, and wherein said stopper is distally deformable for application of force to said tissue.

80. (Amended once) The ~~apparatus~~assembly of claim 66, wherein at least one of said plurality of proximal members of said fastened configuration has a distally oriented end, and wherein said distally oriented end of said fastened configuration opposes at least a portion of said stopper.

81. (Amended once) The ~~apparatus~~assembly of claim 66, wherein at least a portion of said stopper has proximally oriented ends and wherein at least a portion of said plurality of proximal members of said fastened configuration oppose at least one of said proximally oriented ends.

82. (Amended once) The ~~apparatus~~assembly of claim 66, wherein at least one of said plurality of proximal members of said fastened configuration has a distally facing surface, wherein at least a portion of said stopper has a proximally facing surface, and wherein at least a portion of said distally facing surface of said fastened configuration opposes said ~~distally~~ proximally facing surface.

83. (Amended once) The ~~apparatus~~assembly of claim 66, further including a ~~restraint mechanism~~ holder that is attached to said flexible member second end ~~for~~ and that is releasably holding said fastener, ~~attached said clip to said flexible member~~

84. (Amended once) The ~~apparatus~~assembly of claim 83, wherein said ~~restraint mechanism~~ holder is a suture.

85. (Amended once) The ~~apparatus~~assembly of claim 83, wherein said ~~restraint mechanism~~ holder is a restraint clip.

86. (Amended once) The ~~apparatus~~assembly of claim 83, wherein said ~~restraint mechanism~~ holder is a generally cylindrical tube having an opening for accepting at least a portion of said plurality of proximal members.

87. (Amended once) The ~~apparatus~~assembly of claim 86, wherein said ~~restraint mechanism~~ holder has an inner surface for restraining said plurality of proximal members.

88. (Amended once) The ~~apparatus~~assembly of claim 83, wherein said ~~restraint mechanism~~ holder releases said fastener when said ~~clip~~fastener is pulled from said ~~restraint mechanism~~holder.

89. (Amended once) The ~~apparatus~~assembly of claim 83, wherein said ~~restraint mechanism~~ holder releases said fastener when said ~~restraint mechanism~~ holder is squeezed.

90. (Amended once) A ~~delivery system~~assembly for fastening a tissue or layer of tissues having an external distal surface and an external proximal surface, comprising:

a piercing member;

a flexible member having a first end attached to said piercing member, and a second end;

a restraint mechanism attached to said second end; and

a ~~clip~~fastener releasably attached to said restraint mechanism, said ~~clip~~fastener having a stopper including one or more distal members, and a plurality of proximal members flexibly attached to said stopper, where at least one of said plurality of proximal members has a fastened configuration opposing at least a portion of said stopper, where said restraint mechanism releasably holds said plurality of proximal members of said ~~clip~~fastener in an open configuration with said stopper extending transversely away from said piercing member ~~suture, where upon pulling said releasably held clip through said tissue and said stopper adjacent to said distal surface, the release of said clip from said restraint mechanism returns towards said clip towards said fastened configuration and compresses said tissue~~.

91. (Amended once) The ~~delivery system~~assembly of claim 90, wherein said ~~plurality of proximal members is~~ fastener includes two proximal members.

92. (Amended once) The ~~delivery system~~assembly of claim 90, wherein said piercing member is flexible.

93. (Amended once) The ~~delivery system~~assembly of claim 90, wherein said piercing member is nitinol.

94. (Amended once) The ~~delivery system~~assembly of claim 90, wherein said flexible member is a suture.

95. (Amended once) The ~~delivery system~~assembly of claim 90, wherein said flexible member is nitinol.

96. (Amended once) The ~~apparatus~~assembly of claim 90, wherein said ~~clip~~fastener is nitinol.

97. (Amended once) The ~~apparatus~~assembly of claim 90, wherein said ~~elip~~fastener is of unitary construction.

98. (Amended once) The ~~apparatus~~assembly of claim 90, wherein said plurality of proximal members are elongated members.

99. (Amended once) The ~~apparatus~~assembly of claim 90, wherein said one or more distal members ~~is one~~ each comprise a disk-shaped member.

100. (Amended once) The ~~apparatus~~assembly of claim 90, wherein ~~said~~ the number of proximal members is equal to the number of distal members.

101. (Amended once) The ~~apparatus~~assembly of claim ~~77~~90, wherein said ~~elip~~fastener has a longitudinal orientation having a centerline, and wherein said proximal members and said distal members are approximately symmetric about said centerline.

102. (Amended once) The ~~apparatus~~assembly of claim 90, wherein a portion of said stopper has a proximally oriented surface, wherein said stopper is a spring, and wherein said stopper is distally deformable for application of force to said tissue.

103. (Amended once) The ~~apparatus~~assembly of claim 90, wherein at least one of said plurality of proximal members of said fastened configuration has a distally oriented end, and wherein said distally oriented end of said fastened configuration opposes at least a portion of said stopper.

104. (Amended once) The ~~apparatus~~assembly of claim 90, wherein at least a portion of said stopper has proximally oriented ends and wherein at least a portion of said plurality of proximal members of said fastened configuration oppose at least one of said proximally oriented ends.

105. (Amended once) The ~~apparatus~~assembly of claim 90, wherein at least one of said plurality of proximal members of said fastened configuration has a distally facing surface, wherein at least a portion of said stopper has a proximally facing surface, and wherein at least a portion of said distally facing surface of said fastened configuration opposes said ~~distally~~ proximally facing surface.

106. (Amended once) The ~~apparatus~~assembly of claim 90, wherein said restraint mechanism is a suture.

107. (Amended once) The ~~apparatus~~assembly of claim 90, wherein said restraint mechanism is a restraint clip.

108. (Amended once) The ~~apparatus~~assembly of claim 90, wherein said restraint mechanism is a generally cylindrical tube having an opening for accepting at least a portion of said plurality of proximal members.

109. (Amended once) The ~~apparatus~~assembly of claim 108, wherein said restraint mechanism has an inner surface for restraining said plurality of proximal members.

110. (Amended once) The ~~apparatus~~assembly of claim 90, wherein said restraint mechanism releases said fastener when said ~~clip~~fastener is pulled from said restraint mechanism.

111. (Amended once)The ~~apparatus~~assembly of claim 90, wherein said restraint mechanism releases said fastener when said restraint mechanism is squeezed.

112. (Amended once) A method for fastening a first tissue and a second tissue with a ~~clip~~fastener delivered to said tissue in a holder, said method comprising:

piercing the first tissue;

piercing the second tissue

passing said holder through said piercing, where said ~~clip~~fastener is releasably coupled to said holder, where said ~~clip~~fastener has a stopper and a plurality of terminator arms, where said ~~clip~~fastener has a coupled configuration releasably restraining said at least two terminator arms in said holder with said stopper extending approximately perpendicular from said holder, and where said ~~clip~~fastener has a decoupled configuration where said plurality of terminator arms and said stopper are opposable across said tissue;

seating said stopper of said coupled ~~clip~~fastener against said first tissue; and

decoupling said ~~clip~~fastener,

such that ~~said~~ at least one of said terminator arms returns towards said ~~disengaged~~ decoupled configuration and opposes said stopper across said tissue.

113. (Amended once) A method for creating an intima-to-intima tissue contact between a first tissue and a second tissue each having an adventitia and an intima with a ~~clip~~fastener delivered to said tissue in a holder, said method comprising:

piercing the adventitia of a first tissue;

piercing the intima of a second tissue;

passing said holder through said piercing, where said ~~clip~~fastener is releasably coupled to said holder, where said ~~clip~~fastener has a stopper and at least two terminator arms, where said ~~clip~~fastener has a coupled configuration releasably restraining said at least two terminator arms in said holder with said stopper extending approximately perpendicular from said holder, and where said ~~clip~~fastener has a decoupled configuration where said at least two terminator arms and said stopper are opposable across said tissue at more than one location;

seating said stopper of said coupled ~~clip~~fastener against said adventitia of the first tissue; and

decoupling said ~~clip~~fastener,

such that ~~said~~ at least one of said terminator arms returns towards said ~~disengaged~~ decoupled configuration and opposes said stopper across said tissue, and such that the intima of the first tissue is in contact with the intima of the second tissue.